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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,064	03/30/2006	Thomas Seidenbecher	2003P11724	9810
24131 7590 01/30/2009 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER COLUCCI, MICHAEL C	
			ART UNIT 2626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,064	<b>Applicant(s)</b> SEIDENBECHER, THOMAS	
	<b>Examiner</b> MICHAEL C. COLUCCI	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13, 16, 17, 20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 16, 17, 20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/25/2008 has been entered.

### ***Response to Arguments***

2. Applicants arguments with respect to claims 13, 16, 17, 20, 23 and 24 have been considered but are moot in view of the new grounds of rejection. Examiner has withdrawn Hinks and incorporated Schnelle et al. US 20030177443 A1 (hereinafter Schnelle).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because:

Claim 13 does not fall within one of the four statutory categories of invention. Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions<sup>2</sup> indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim 13 recites purely mental steps and would not qualify as a statutory process. In order to qualify as a statutory process, the method claim should positively recite the other statutory class to which it is tied (i.e. apparatus, device, product, etc.). For example, the method steps of claim 13 appear to recite mental steps such as “configuring a language of a computer program” and do not identify an apparatus that performs the recited method steps, such as “a personal computer” as described in the specification (present invention spec. page 13).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

<sup>2</sup> *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Art Unit: 2626

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 16, 17, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber US 6434524 B1 (hereinafter Weber) in view of Schnelle et al. US 20030177443 A1 (hereinafter Schnelle) and further in view of Jensen et al. US 6834276 B1 (hereinafter Jensen).

Re claims 13 and 20, Weber teaches selecting a text memory wherein alphanumeric message character strings are associated with alphanumeric identification expressions (Col. 9 lines 42-63) including alphanumeric name descriptors and alphanumeric field descriptors, each respective alphanumeric field descriptor having an associated message character string (Col. 7 lines 14-30).;

replacing the wildcard character string in the computer program with the associated message character strings in the text memory (Col. 9 lines 42-63 & Fig. 2),

the finding and replacing steps being performed during a runtime of an executable binary computer program (Col. 9 lines 42-63 & Fig. 2);

the replacing step being performed by associating the message character strings with memory variables in the running computer programs (Col. 9 lines 42-63 & Fig. 2)

However, Weber fails to teach configuring a language of a computer program a wildcard character string starting with a characteristic prefix followed by a name descriptor

finding in the text memory identification expressions associated with the wildcard character string contained in the computer program by evaluating a path for the wildcard character string, the path being formed from at least one of the name descriptor of the wildcard character strings

Schnelle teaches a computer program recorded therein for converting a document encoded in a markup language into a format for mapping to a database table (Schnelle [0016]). Schnelle also teaches a standalone sub-document for each node of the original XML document by inserting as a prefix the standard XML processing instruction, plus a DOCTYPE declaration, where the DOCTYPE element is the node element, and the public ID is the same as that of the original DTD, except that the word MALTbase is inserted as a prefix to the descriptor (Schnelle [0150]) as well as creating an XML document from root node content in which the MALTbase prefixes are removed from DTD public ID and the DOCTYPE (Schnelle [0041]).

Further, Schnelle teaches well techniques in path evaluation, where An absolute ID begins with "/" and gives a full path down from the root node, whereas a relative ID begins with "./" and relates the child to the current parent. Absolute IDs are typically used except where the node to be copied is already a child of the new parent. The presence of the slash character in the child-id tells the system that an existing child node is not simply being relocated. Whatever form of child-id is used, the copy will be assigned a new regular child ID and the placeholders will be altered to reflect this (Schnelle [0259]).

Furthermore, Schnelle teaches that each identified node in the XML document in turn requires a MALTbase identifier for further processing. A MALTbase node ID is constructed of a set of segments demarcated by a "/", so that the ID of a sub-node contains the ID of the sub-node's parent as a prefix (Schnelle [0102]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Weber to incorporate configuring a language of a computer program having a wildcard character string starting with a characteristic prefix followed by a name descriptor and finding in the text memory identification expressions associated with the wildcard character string contained in the computer program by evaluating a path for the wildcard character string, the path being formed from at least one of the name descriptor of the wildcard character strings as taught by Schnelle to allow for the conversion of XML document code, wherein any compiled code would remove prefixes to allow a user to see clean text without the path designation (Schnelle [0041]).

However, Weber in view of Schnelle fails to teach checking each dialog element of a user interface of the computer program to determine whether a character string present in the respective dialog element includes a wildcard character string.

Jenson teaches a screen display illustrating an exemplary database registration dialog of a graphic user interface (GUI) embodiment of a database application program implemented according to the present invention on a computer, such as the computer 100. The screen display includes a view options button 500, a database generator

Art Unit: 2626

button 501, a search button 502, a database display window 504 which provides a list of database names 503, a Register New Database button 505, an UnRegister Selection button 506, and an Enable Word Lists control 507 (Jenson Col. 25 lines 39-56 & Fig. 5).

Further, Jenson teaches a new Link Pattern edit box 1106 can use "wildcard" characters. Wildcard characters are characters such as %, ?, \*, and #, where each of the characters has a special meaning. In the embodiment shown, the "%" character substitutes for any digit, the "#" character substitutes for any integer greater than zero, the "\*" character substitutes for any number of characters or digits between delimiters, and the "?" character substitutes for any single character (Col. 30 line 66 – Col. 31 line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Weber in view of Schnelle to incorporate checking each dialog element of a user interface of the computer program to determine whether a character string present in the respective dialog element includes a wildcard character string as taught by Schnelle to allow for a graphical user interface that enables user interaction (Jenson Col. 25 lines 39-56 & Fig. 5), wherein the user can view and alter the database(s) and dialog(s) present within a program, wherein wildcard and string pairs can be identified by a user, wherein in order for a system to compile and execute a program error-free, it must identify a wildcard prior to the replacement of a wildcard/string with a string/wildcard during runtime, the system.



Re claims 16 and 23, Weber fails to teach the method according to claim 13, which comprising selecting the XML format for configuring the text memory, and finding the identification expressions by interpreting XML tags

Schnelle teaches a computer program recorded therein for converting a document encoded in a markup language into a format for mapping to a database table (Schnelle [0016]). Schnelle also teaches a standalone sub-document for each node of the original XML document by inserting as a prefix the standard XML processing instruction, plus a DOCTYPE declaration, where the DOCTYPE element is the node element, and the public ID is the same as that of the original DTD, except that the word MALTbase is inserted as a prefix to the descriptor (Schnelle [0150]) as well as creating an XML document from root node content in which the MALTbase prefixes are removed from DTD public ID and the DOCTYPE (Schnelle [0041]).

Further, Schnelle teaches well techniques in path evaluation, where An absolute ID begins with "/" and gives a full path down from the root node, whereas a relative ID begins with "./" and relates the child to the current parent. Absolute IDs are typically used except where the node to be copied is already a child of the new parent. The presence of the slash character in the child-id tells the system that an existing child node is not simply being relocated. Whatever form of child-id is used, the copy will be assigned a new regular child ID and the placeholders will be altered to reflect this (Schnelle [0259]).

Furthermore, Schnelle teaches that other fields may exist optionally in the table to expedite searching (e.g. a node\_tag field to store the node element name: chapter,

Art Unit: 2626

part, etc; or a short\_ref field to enable searching for nodes via the contents of a short\_ref attribute) (Schnelle [0195]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Weber to incorporate selecting the XML format for configuring the text memory, and finding the identification expressions by interpreting XML tags as taught by Schnelle to allow for proper retrieval of expressions in code, wherein compiled code would remove prefixes to allow a user to see clean text without the path designation (Schnelle [0041])

Re claim 17 and 24, The Weber fails to teach the method according to claim 16, which comprises storing identification expressions and message texts in an XML table in the XML text memory

Schnelle teaches a computer program recorded therein for converting a document encoded in a markup language into a format for mapping to a database table (Schnelle [0016]). Schnelle also teaches a standalone sub-document for each node of the original XML document by inserting as a prefix the standard XML processing instruction, plus a DOCTYPE declaration, where the DOCTYPE element is the node element, and the public ID is the same as that of the original DTD, except that the word MALTbase is inserted as a prefix to the descriptor (Schnelle [0150]) as well as creating an XML document from root node content in which the MALTbase prefixes are removed from DTD public ID and the DOCTYPE (Schnelle [0041]).

Further, Schnelle teaches well techniques in path evaluation, where An absolute ID begins with "/" and gives a fall path down from the root node, whereas a relative ID begins with "./" and relates the child to the current parent. Absolute IDs are typically used except where the node to be copied is already a child of the new parent. The presence of the slash character in the child-id tells the system that an existing child node is not simply being relocated. Whatever form of child-id is used, the copy will be assigned a new regular child ID and the placeholders will be altered to reflect this (Schnelle [0259]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Weber to incorporate storing identification expressions and message texts in an XML table in the XML text memory as taught by Schnelle to allow for proper retrieval of expressions in code, wherein compiled code would remove prefixes to allow a user to see clean text without the path designation (Schnelle [0041]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone

Art Unit: 2626

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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